

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHEY L. ANDREW,
Appellant,
vs.
SHARON COSTER; NEVADA
DEPARTMENT OF CORRECTIONS;
AND THE STATE OF NEVADA,
Respondents.

No. 70836

FILED

SEP 28 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER REGARDING PRO BONO COUNSEL

This is a pro se appeal from an order dismissing appellant's complaint for medical malpractice because appellant failed to obtain an affidavit pursuant to NRS 41A.071. Appellant is proceeding without legal representation in this appeal. Having considered the record and documents transmitted by the district court, this court has determined that the appointment of pro bono counsel to represent appellant would assist this court in reviewing this appeal. By this order, the court expresses no opinion as to the merits of this appeal.

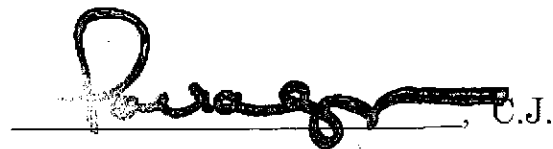
Pro bono counsel is an attorney who provides legal services without charge for the benefit of the public good. The appointment of pro bono counsel provides attorneys with an opportunity to volunteer legal services in furtherance of their professional responsibility and, at the same time, allows financially eligible litigants access to quality legal representation without cost. Counsel will be appointed for purposes of this appeal only and will participate in oral argument. Currently, the Pro Bono Committee of the Appellate Litigation Section of the State Bar of Nevada (Pro Bono Committee), in conjunction with the Legal Aid Center of Southern Nevada, has developed a pro bono appellate program to assist

the public and this court. This case is hereby referred to the program established by the Pro Bono Committee to evaluate whether appellant can benefit from the program.

Accordingly, we direct the clerk of this court to transmit a copy of this order and the attached case summary to the Legal Aid Center of Southern Nevada for financial eligibility screening. If appellant qualifies and does not object to pro bono counsel, the Legal Aid Center in cooperation with the Pro Bono Committee shall locate a volunteer attorney from the program to represent appellant. Once an attorney is located, the attorney shall file a notice of appearance in this court within 60 days from the date of this order. Briefing and oral argument will be scheduled thereafter. Alternatively, if appellant is not financially eligible or objects to pro bono representation, or if a volunteer attorney cannot be located, the Legal Aid Center of Southern Nevada shall notify this court in writing within 60 days from the date of this order. In such case, oral argument will not be held, and this matter will remain subject to the rules of procedure for pro se appeals.

We suspend the briefing schedule pending further order of this court.

It is so ORDERED.

 C.J.

cc: Richey Lavell Andrew
Attorney General/Carson City
Legal Aid Center of Southern Nevada, Barbara E. Buckley,
Executive Director
Anne R. Traum, Coordinator, Appellate Litigation Section,
Pro Bono Committee, State Bar of Nevada
Kelly Dove

Docket No. 70836 – *Andrew v. Coster*

Appellant is an inmate undergoing treatment for prostate cancer. He filed a complaint alleging medical malpractice based on injuries caused when a catheter was removed. He attempted to provide an affidavit pursuant to NRA 41A.071, but was unable to obtain one through the NDOC medical professionals. Respondents moved to dismiss the complaint for failure to provide the affidavit.